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Message Text

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INFO OCT-01 ARA-06 EUR-12 EA-07 NEA-10 ISO-00 ACDA-05

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SUBJECT:RENEGOTIATION US-USSR ATLANTIC FISHERIES BILATERAL AGREEMENT

REF: STATE 251018 TO BUCHAREST; STATE 273684 TO WARSAW; STATE 675 (NOTAL)

1. RENEGOTIATION OF SUBJECT AGREEMENT, WHICH EXPIRED DECEMBER 31 AND WHICH EXTENDED FOR TWO MONTH PERIOD BY EXCHANGE OF NOTES, WILL BEGIN WASHINGTON FEBRUARY 17. EMBASSY REQUESTED PASS FOLLOWING INFO APPROPRIATE SOVIET FISHERIES OFFICIALS, DETERMINE MAKEUP OF SOVIET NEGOTIATING DELEGATION AND REPORT TO DEPARTMENT ALONG WITH YOUR ASSESSMENT OF POLITICAL, ECONOMIC OR OTHER FACTORS WHICH MIGHT INFLUENCE OR BEAR ON SOVIET APPROACH TO THESE NEGOTIATIONS.

2. USG AWARE OF DEVELOPING CONSENSUS ON A 200 MILE COASTAL ECONOMIC RESOURCE ZONE AND HAVING TO TAKE INTO ACCOUNT LEGISLATIVE PRESSURES FOR UNILATERAL EXTENSION OF JURISDICTION PENDING LOS AGREEMENT, HAS UNDERTAKEN AN INITIATIVE TO EFFECT ORDERLY AND SMOOTH TRANSITION FROM PRESENT SITUATION IN FISHERIES PICTURE TO AN EFFECTIVE 200 MILE REGIME. (IT IS CLEAR, OR SHOULD BE CLEAR THAT

THIS IS DIRECTION IN WHICH U.S. MOVING.) THE INITIATIVE HAS NOT BEEN PERSUASIVE IN CONGRESSIONAL TERMS HOWEVER, AND SENATE IS EXPECTED TO PASS 200 MILE LEGISLATION (HOUSE HAS ALREADY DONE SO) NOT LATER THAN JANUARY 28. THIS INITIATIVE HAS THUS FAR INVOLVED NEGOTIATION OF TWO BILATERAL AGREEMENTS AND A NEW U.S. STANCE IN MULTILATERAL MEETINGS AND DISCUSSIONS AND, DURING CALENDAR 1976 WILL INVOLVE RENEGOTIATION OF EXISTING FISHERIES BILATERALS. FYI: TWO AGREEMENTS NEGOTIATED THUS FAR WITH ROMANIA (SIGNING EXPECTED SOON) AND POLAND (SIGNED DECEMBER 16) CONTAIN STATEMENTS OF AND AGREEMENT ON ALL OF THE PRINCIPLES OUTLINED PARA 3 BELOW. END FYI.

3. OUR NEGOTIATIONS WILL SEEK TO OBTAIN SOVIET RECOGNITION OF FOLLOWING PRINCIPLES WHICH IN TURN ARE BASIS OF SUBSTANCE OF U.S. POSITION.
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A. ESTABLISHMENT OF RATIONAL CONSERVATION REGIME OFF U.S. COASTS BASED ON BEST AVAILABLE SCIENTIFIC EVIDENCE WITH REDUCTION OF FOREIGN FISHING TO EXTENT NECESSARY TO MAINTAIN OR RESTORE SPECIFIC STOCKS.

B. EXERCISE OF PREFERENTIAL HARVESTING RIGHTS FOR U.S. FISHERMEN FOLLOWING FISHERIES UTILIZATION CONCEPT CON-

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TAINED SINGLE NEGOTIATING TEXT PRODUCED AT GENEVA SESSION OF LAW OF THE SEA CONFERENCE.

C. IMPLEMENTATION OF ALLOCATION SYSTEM WHICH, AS U.S. HARVESTING CAPACITY INCREASES, WILL REDUCE FOREIGN CATCHES AS NECESSARY TO CONSERVE AND MAINTAIN STOCKS WITH ONLY AMOUNT SURPLUS TO U.S. NEEDS BEING ALLOCATED AMONG FOREIGN FISHERMEN.

D. IMPLEMENTATION OF STANDARDIZED SYSTEM FOR COLLECTING FISHERIES DATA AND INFORMATION FOR PURPOSES STATISTICAL ANALYSIS AND PROJECTION. THIS SYSTEM EXPECTED PROVIDE FOR MANDATORY CONTRIBUTION OF DATA FROM BOTH DOMESTIC AND FOREIGN FISHERMEN AND RESULTS WILL BE USED AS ONE OF BASES FOR ESTABLISHMENT OF CATCH LIMITS AND OTHER CONSERVATION MEASURES.

E. INTRODUCTION OF MORE EFFECTIVE ENFORCEMENT PROCEDURES, INCLUDING PLACING OF U.S. OBSERVERS ON FOREIGN FISHING VESSELS IF WE DESIRE TO DO SO.

F. IMPLEMENTATION OR STRENGTHENING OF SATISFACTORY ARRANGEMENTS TO RESOLVE DISPUTES OVER LOSS OF FISHING GEAR AND TO ENSURE PROMPT AND ADEQUATE COMPENSATION TO U.S. FISHERMEN FOR GEAR LOSSES CAUSED BY ACTIONS OF

FOREIGN VESSELS.

4. IN ADDITION TO ENUNCIATION OF ABOVE PRINCIPLES U.S. WILL SEEK TO MODIFY TERMS OF PRESENT AGREEMENT IN SEVERAL RESPECTS. FOLLOWING POINTS ARE PRELIMINARY SINCE FULL CONSULTATIONS WITH ALL U.S.G. DEPARTMENTS AND AGENCIES CONCERNED AND WITH FISHING INDUSTRY
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REPRESENTATIVES NOT YET CONCLUDED. HOWEVER, WE EXPECT MODIFICATIONS OF U.S. VIEWS OUTLINED BELOW WOULD BE MINOR ONES.

A. U.S. WILL SEEK TIME CLOSURE FEBRUARY 1 THROUGH MARCH 31 IN AREA SOUTH OF 39 DEGREES NORTH LATITUDE, NORTH OF 35 DEGREES NORTH LATITUDE AND WEST OF AREA KNOWN AS "THE BANANA", WHICH SOVIETS WILL UNDERSTAND. PURPOSE THIS CLOSURE IS PROTECTION OF RIVER HERRING. WE WILL ALSO SEEK TO ESTABLISH APPROPRIATE INCIDENTAL CATCH LIMITS FOR RIVER HERRING FOR SOVIET FISHERMEN BOTH ON A TOTAL FLEET BASIS AND ON AN INDIVIDUAL VESSEL BASIS WITH CESSATION OF FISHING IN AREA INVOLVED WHEN THOSE LIMITS ARE REACHED.

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B. U.S. WILL SEEK PROHIBITION ON ALL TYPES GEAR OTHER THAN PELAGIC (INCAPABLE OF BEING FISHED ON THE BOTTOM) THROUGHOUT ENTIRE AREA COVERED BY THE AGREEMENT.

C. U.S. WILL SEEK AMENDMENT OF ARTICLE 2 OF PRESENT AGREEMENT TO EXPAND AREA DESCRIBED IN SUB-PARA 2A AND TO EXTEND TIME PERIOD OF CLOSURE TO COVER JANUARY 1 THROUGH APRIL 30. WE ALSO WILL WISH SPECIFIC EXEMPTION FOR U.S. FISHERMEN OF PROVISIONS OF SUB-PARAS 2A, 2B, 2C AND 2D. U.S. WILL ALSO SEEK UNDER ARTICLE 2 TO ESTABLISH APPROPRIATE SPECIFIC INCIDENTAL CATCH LIMITS FOR SCUP, FLOUNDER, BLUEFISH, BLACK SEA BASS AND MEN-HADEN. WITH BOTTOM GEAR PROHIBITED THESE INCIDENTAL CATCH LIMITS WILL BE VERY LOW. AS WITH RIVER HERRING LIMITS, WE WISH INCLUDE A PROVISION FOR DEPARTURE OF ALL SOVIET FISHING VESSELS FROM AREA OF THE AGREEMENT WHEN INCIDENTAL CATCH LIMITS ON ABOVE LISTED SPECIES ARE REACHED.

D- WE WILL SEEK TO AMEND ARTICLE 1 TO PROVIDE MORE SPECIFICALLY FOR COOPERATIVE RESEARCH AND FOR EXCHANGES OF PERSONNEL BETWEEN RELEVANT RESEARCH INSTITUTIONS. U.S. WILL ALSO SEEK SPECIFIC AGREEMENT ON UTILIZATION OF GUIDELINES FOR COLLECTION OF CATCH DATA, INCLUDING BY-CATCH, BASED ON VESSEL CLASS, SEMI-MONTHLY TIME PERIODS AND 30 MINUTE SQUARE AREAS, WITH DATA TO BE LIMITED OFFICIAL USE

SUBMITTED QUARTERLY NOT LATER THAN 3 MONTHS AFTER END OF

QUARTER. DATA SHOULD INCLUDE AGE AND LENGTH SAMPLING DATA FOR ALL SPECIES FOR WHICH ANNUAL CATCH IS OVER 500 METRIC TONS. WE WILL ALSO ASK FOR PROVISIONAL CATCH DATA ON A MONTHLY BASIS.

E. U.S. WILL SEEK TO REQUIRE SOVIET FISHING OR SUPPORT VESSELS NOTIFY BY RADIO U.S. COAST GUARD AT BOSTON OR PORTSMOUTH PRIOR TO CONDUCTING FISHING ACTIVITIES IN AREAS COVERED BY THE AGREEMENT AND BEFORE CONDUCTING LOADING OPERATIONS IN AREAS SPECIFIED IN AGREEMENT.

F. U.S. WILL SEEK TO REQUIRE EACH GOVERNMENT INFORM OTHER OF NAME AND MEANS OF ESTABLISHING RADIO CONTACT WITH AUTHORITY DESIGNATED TO RECEIVE AND RESPOND TO REPORTS OF INFRINGEMENT OF REGULATIONS CONTAINED IN AGREEMENT.

G. U.S. WILL SEEK DELETE PARA 7 PRESENT AGREEMENT WHICH ALLOWS SOVIET FISHING IN SMALL AREA INSIDE 9 MILE U.S. CONTIGUOUS FISHERY ZONE.

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H. U.S. WILL SEEK SPECIFIC ASSURANCES OF PROMPT SOVIET ACTION TO HALT DELAYS IN PENDING AND FUTURE CLAIMS FILED ON GEAR LOSSES. US-SOVIET CLAIMS BOARD AGREEMENT IS NOT, RPT NOT, SCHEDULED FOR RENEGOTIATION AT THIS TIME BUT SOVIETS HAVE BEEN VERY SLOW IN RESPONDING TO CLAIMS FILED WITH THE BOARD AND THIS HAS CREATED MUCH CONCERN IN U.S. BOTH IN GOVERNMENT AND IN INDUSTRY.

5. FOREGOING WILL BE ELABORATED AND EXPANDED ON DURING NEGOTIATIONS. WE EXPECT TO HAVE DRAFT LANGUAGE TO REFLECT CHANGES, ADDITIONS AND DELETIONS WHICH WE DESIRE TO PROVISIONS OF PRESENT AGREEMENT AND WILL PRESENT SUCH LANGUAGE TO SOVIETS EARLY IN NEGOTIATIONS.

6. U.S. DELEGATION TO NEGOTIATIONS WILL BE HEADED BY DEPUTY ASSISTANT SECRETARY OF STATE FOR OCEANS AND FISHERIES AFFAIRS ROZANNE L. RIDGWAY. DELEGATION WILL INCLUDE OFFICERS OF STATE, COMMERCE (NATIONAL MARINE
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FISHERIES SERVICE) AND COAST GUARD AND REPRESENTATIVES OF U.S. EAST COAST FISHING INDUSTRY. WE EXPECT GROUP, INCLUDING ADVISORS, WILL NUMBER APPROXIMATELY 30. NEGOTIATING SESSIONS WILL BE HELDIN DEPARTMENT. ROOM NUMBERS AND NAMES OF U.S. DELEGATION MEMBERS WILL BE FURNISHED SOVIET EMBASSY IN DUE COURSE.

7. AS WE PRESUME INSTRUCTIONS FOR SOVIET DELEGATION ARE NOW IN PROCESS OF BEING DRAFTED, SUGGEST THAT APPROACH AT HIGHEST PRACTICAL LEVEL IN MINISTRY OF FISHERIES WOULD BE USEFUL. KISSINGER

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